REMARKS

Rejections Under 35. U.S.C. § 102

The examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,029,065 to Shah (Shah). But contrary to what the examiner states, Shah fails to teach activated and deactivated states of application program code that is stored on and capable being executed on a mobile voice communication device, as required by the claim. Rather, Shah discloses how a mobile phone accesses features over a network, i.e., functionality provided to a mobile phone user by applications that run on remote systems. We explain this in more detail below.

Claim 1 requires:

> a memory storing application program code which when executed on the digital processor [of a mobile voice communication device] causes the mobile voice communication device to provide predetermined functionality ... having basic features and having enhanced features ..., said application program code having a deactivated state in which the mobile voice communication device provides said basic features to the user ... and an activated state in which the mobile voice communication device provides the enhanced features, and wherein toggling between the deactivated and activated states is accomplished by receiving ... a transmitted key that was sent by a remote source to that mobile voice communication device.

In other words, the claim requires that application code stored in the mobile communications device, when executed on the device, implements deactivated and activated states that respectively correspond to providing basic features and enhanced features on the device. The examiner believes that Shah discloses this, and directs our attention to a passage that discusses providing a user of a mobile device access to an enhanced vocoder (Fig. 5, col. 11 line 38 to col. 12 line 22). But nowhere in this passage, or anywhere else does Shah mention activating or deactivating application program code stored on a mobile device. Rather, Shah is concerned with providing access to "a network feature for which a subscription fee is charged, such as enhanced vocoder capability, voice mail, voice dialing, or conference calling...." (col. 7, lines 57-59, emphasis added)

The examiner is mistaken argues that "the burst message 214 including EF and feature code for Enhanced Vocoder feature reads on the transmitted key of the present invention." We believe the examiner is mistaken because when Shah's base station sends this message to a mobile station it causes activation of a network feature and not the activation of application program code stored on the mobile unit, as required by the claim. Shah describes the pertinent sequence of messages exchanged between the base station and the mobile unit in the following passage:

> Base Station 200 processes the acceptance of billing (step 213) and sends a second Data Burst Message 214 including the EF number and the feature code for the Enhanced Vocoder feature. Mobile Station 100 processes Message 214 (step 116), downloading the feature code into its memory (step 117) and responds with Data Burst Message 118 requesting activation of the Enhanced Vocoder feature. Base Station 200 receives and processes the request (step 215), then sends Data Burst Message 216 with an indication that the feature is activated. (col. 11, line 60 to col. 12, line 2, emphasis added)

In other words, the mobile station receives a feature code corresponding to the enhanced vocoder feature, which allows the mobile station to use the enhanced vocoder feature that is provided by the base station, and not by application program code running on the mobile station, as required by the claim.

In view of the above, Applicants believe claim 1 is not anticipated by Shah.

Claims 6 and 14 also require activated and deactivated states of application program code on a mobile voice communication device, and for the reasons discussed above, we believe these claims are also not anticipated by Shah.

Rejections Under 35. U.S.C. § 103

The examiner rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Shah in view of U.S. Patent No. 5,572,583 to Wheeler et al. (Wheeler). The claim requires "activating an enhanced functionality of ... embedded software [within a mobile communication device]...the enhanced functionality including natural language capability...." As discussed above, Shah does not disclose activating application program code embedded within a mobile

voice communication device, as required by the claim. Wheeler also does not disclose activation of embedded software within a mobile communication device. In fact, Wheeler does not discuss mobile communication devices at all, being instead concerned with providing service features to peripherals connected by wired networks.

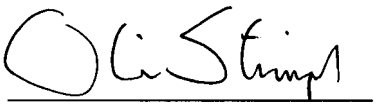
Therefore, Applicants believe that claim 16 is patentable over the cited references, and that claim 33 is also patentable for analogous reasons.

In view of the above, applicant believes the pending application is in condition for allowance.

Please charge the $120.00 fee for a one month extension of time and any other charges not covered, or any credits to Deposit Account No. 08-0219.

Respectfully submitted,

Dated: August 15, 2007



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